IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

MONDAY, THE 12TH NOVEMBER 2007 / 21ST KARTHIKA 1929

OP.No. 20776 of 2000(W)

PETITIONER:

C.P.BHAVA, S/O.IBRAHIM,
KADAPPURAM BALLA, KANHANGAD P.O.

BY ADV. SRI.M.RAMESH CHANDER
SRI.M.VIJAYAKUMAR

RESPONDENTS:

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1. DISTRICT COLLECTOR, KASARAGOD.

2. DISTRICT REGISTRAR GENERAL,
KASARAGOD.

3. SUB REGISTRAR, HOSDURG,
KASARAGOD.

4. SPECIAL DEPUTY TAHSILDAR(RR),
HOSDURG.

BY GOVERNMENT PLEADER

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 12/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON CMP NO.34876/2000 IN O.P. NO.20776/2000

DISMISSED:

12.11.2007 SD/-(C.N.RAMACHANDRAN NAIR, JUDGE.)

APPENDIX

PETITIONER'S EXHIBITS:

P1: PHOTOCOPY OF THE DOCUMENT DT.2.1.1996.

P2: PHOTOCOPY OF NOTICE DT.30.12.99 ISSUED BY R3.

P3: PHOTOCOPY OF R.R. NOTICE DT.22.6.2000.

TRUE COPY

PA TO JUDGE

C.N.RAMACHANDRAN NAIR, J.

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O.P. No.20776 of 2000

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Dated this the 12th day of November, 2007.

JUDGMENT

Heard counsel for the petitioner and Government Pleader. The O.P. is filed challenging recovery proceedings for recovery of differential stamp duty demanded from the petitioner. The petitioner's case is that no proper adjudication is issued before demanding the amount and petitioner was not given a hearing. Respondents also conceded that the order is exparte, but seek to sustain the order on the ground that petitioner did not avail the opportunity granted to him. The additional amount demanded is around Rs.11,000/-. On several occasions Government granted amnesty benefit for settlement at 30% of the additional demand. Having regard to the amount involved, I do not think there is any justification to protract the matter by ordering fresh adjudication. In the circumstances and for the sake of finality, I reduce the demand to rupees four thousand and grant time till 30.12.2007 to make payment. If liability is settled by payment of Rs.4,000/- atleast by 30.12.2007, respondents shall treat the matter as

settled. However, if petitioner does not make payment as above, recovery can be continued for the actual amount demanded.

The O.P. is disposed of as above.

C.N.RAMACHANDRAN NAIR
Judge

pms